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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/685,009 | 10/14/2003 | Michael D. Gerdes | HE 8698US | 4282 |
| 1688 | 7590 | 05/16/2006 | EXAMINER | |
| POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615 | | | REIS, TRAVIS M | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2859 | |

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/685,009 | Applicant(s) GERDES ET AL. | |
| | Examiner Travis M. Reis | Art Unit 2859 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 9, 20-24, 26-28 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2 and 9 is/are allowed.
- 6) ☒ Claim(s) 1, 3, 20-24, 26-28 and 61-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the identifying indicia associated with each of the slots (i.e. "color, numbers, letters, or surface relief" as detailed in the specification) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1, 3, 20-28, & 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitchell (U.S. Patent 3888128) in view of Warkotsch (U.S. Patent 5665911).

With reference to claims 1, 3, 20-24, 26-28, & 61-64 Mitchell discloses a system, and method of using an adjustable mounting flange (10) for mounting vehicle wheels (19) each having different lug patterns on the shaft of a balancing machine (15) which comprises a flange plate (34) having a central bore extending from a front face to a rear face (Figure 2); an adjusting plate (35) disposed adjacent said rear face and coupled to said flange plate for coaxial rotational movement relative to said flange plate (Figure 4) and wherein said plates are rotated relative to each other as part of the alignment process to common radial positions simultaneously (col. 3 lines 39-42); a plurality of slots passing through said flange plate(37); a plurality of slots passing through said adjusting plate(38); a plurality of mounting pins (30), each of said plurality of mounting pins including a guide pin (28) adapted for engagement with said flange plate and a contact tip (31) adapted for engagement with each of the plurality of wheel lug holes, wherein said each of said slot sets are arranged in annular patterns (Figure 4-6) with identifying indicia (48) being associated a slot; and wherein said plurality of slots in said flange plate and said plurality of slots in said adjusting plate cooperatively define one or more sets of unobstructed passages and corresponding to each lug hole in a wheel lug pattern through said adjustable mounting flange (Figure 4); and wherein each of said unobstructed passages in a set of unobstructed passages is disposed at a common radial distance from an axis of said central bore (Figure 5), said common radial distance associated with a rotational position of said adjusting plate, wherein said rotation of said adjusting plate relative to the flange plate alters the radial position of each of said unobstructed passages and plurality of guide pins simultaneously (col. 3 lines 39-42); wherein said plurality of slots passing through said flange plate include at least one set of circumferentially equidistant spaced slots, said slots in said set having a common

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skewed configuration and wherein the adjusting plate has a different common skewed configuration (Figure 4); wherein a range of rotational movement of said adjusting plate about said central axis corresponds with a range of radial movement of each of said unobstructed passages in said set of unobstructed passages between an inner radial position and an outer radial position (Figure 4).

Mitchell does not disclose said mounting flange assembly is a single plate.

Warkotsch discloses a mounting flange (9) for a mounting fixture (3) for mounting wheels (1) from different makes of motor vehicles on the shaft (11) of a balancing machine (2) (Figure 1) wherein different configurations of centering holes (19, 20, 21) are used for five-lug hole patterns and includes on the same flange holes (21') to accommodate four-lug hole patterns in order to be able to service different vehicle wheels without switching the flange plate and saving time (col. 1 lines 58-67). Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to combine the mounting flange plates disclosed by Mitchell into a single flange plate as taught by the single plate disclosed by Warkotsch in order to be able to service different vehicle wheels without switching the flange plate and save time.

With reference to claim 25, Mitchell does not disclose indicia associated with each slot. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide an indicia associated with each slot, since it has been held that the mere duplication of the essential working parts of a device involves only routine skill in the art. St. Regis Paper Co. v. Bemis Co., 193 USPQ 8. Therefore, it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add an indicia to every slot in order to be able to read the indicia if the other slots are obscured.

Allowable Subject Matter

4. Claims 2 & 9 are allowed.

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5. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or clearly suggest a system for mounting vehicle wheels each having an axial pilot hole and a plurality of radial spaced lug holes disposed in one of a plurality of symmetric and axially centered configurations, about a spindle shaft of a vehicle wheel balancer comprising one double tapered centering cone having a first tapered surface increasing in diameter from a first end, and a second tapered surface increasing in diameter from a second end axially opposite said first end, in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

6. Applicant's arguments with respect to claims 1, 3, 20-28, & 61-64 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis M. Reis whose telephone number is (571) 272-2249. The examiner can normally be reached on 8--5 M--F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for

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unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Travis M Reis
Examiner
Art Unit 2859



Diego Gutierrez
Supervisory Patent Examiner
Tech Center 2800

tmr
May 11, 2006